IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 23478 of 2007(T)

PETITIONER:

V.C.AUGUSTHY, PRINCIPAL,
ST.SEBASTIANS H.S.S., VELIMANAM,
VELIMANAM P.O., KANNUR DISTRICT.

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE REGIONAL DEPUTY DIRECTOR, HIGHER SECONDARY EDUCATION, KOZHIKODE.

3. THE CORPORATE MANAGER, CORPORATE EDUCATIONAL AGENCY, ARCH DIOCESE OF THALASSERY.

BY GOVT. PLEADER SMT. SUDHA
ADV. SRI.GRASHIOUS KURIAKOSE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO 23478/07

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1.	COPY OF THE APPOINTMENT ORDER DT. 15.5.06 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER
EXT.P2.	COPY OF THE FORWARDING LETTER DT. 23.5.06 OF THE 3RD RESPONDENT TO THE 2ND RESPONDENT
EXT.P3.	COPY OF THE LETTER DT. 29.6.06 ISSUED BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT
EXT.P4.	COPY OF THE LETTER DT. 28.8.06 FORWARDED TO THE 2ND RESPONDENT BY THE 3RD RESPONDENT
EXT.P5.	COPY OF THE LETTER DT. 23.11.06 SENT BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT
EXT.P6.	COPY OF THE JUDGMENT DT. 30.1.07 IN WPC NO. 1088/2007 OF THIS HON'BLE COURT
EXT.P7.	COPY OF THE ARGUMENT NOTE
EXT.P8.	COPY OF THE ORDER 16.7.07 OF THE 2ND RESPONDENT

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 23478 OF 2007

Dated this the 20th day of August, 2007

J U D G M E N T

Petitioner challenges Ext.P8 order by which the proposal for approval of his appointment as Principal was declined. Indisputably Ext.P8 order is amenable to challenge in a statutory appeal, which the petitioner has not obviously exhausted.

2. Learned Government Pleader, after getting instructions, submits that the salary attached to the teaching staff in the school will be disbursed as and when the bills are presented, if there is no other impediment to that effect. As far as the claim made by the petitioner for salary attached to the post of Principal is concerned, it is submitted by the learned Government Pleader that the same cannot be disbursed to him, since his appointment as Principal has not yet been approved. However, it will be open to the petitioner to claim his salary as HSST. He can draw the same from the High School Section as he has been doing till now.

Therefore the writ petition is closed with liberty to the petitioner to take recourse to the statutory remedy available to him, if he is

aggrieved by Ext.P8 order. If the petitioner prefers an appeal, within two weeks from today, it shall be entertained ignoring the delay, if any. Appropriate decision on the said appeal shall be taken by the appellate authority strictly on its merit and in accordance with law, as expeditiously as possible, at any rate, within three months from the date of receipt of the appeal. It will be open to the petitioner to move the appellate authority for appropriate interim orders, if so advised.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007